

ch. 22, sec. 14, which declares, "that the Chancellor shall and may hear and determine all causes for alimony in as full and ample manner as such causes could be heard and determined by the laws of England in the ecclesiastical courts there."

It is said, however, that although the Court of Chancery may possibly entertain applications for alimony under the power communicated to it by this act, although a sentence of divorce, *a mensa et thoro*, may not previously have passed, yet still no such application can be successful unless upon grounds which in England would entitle the parties to such a divorce in the ecclesiastical court there, and such is the opinion of the late Chancellor as expressed in the case of *Helms vs. Francisus*, 2 *Bland*, 568.

And the argument is then pressed, that the case made by these proceedings would not, according to the doctrine of the ecclesiastical courts in England, entitle this complainant to a divorce, *a mensa et thoro*, and that consequently the prayer for alimony must fail. The doctrine upon this subject in the ecclesiastical courts certainly appears to be, that in applications for a divorce on account of cruelty it is necessary to show, "that actual violence has been committed, attended with danger, or a reasonable apprehension of such violence." *Evans vs. Evans*, 4 *Eng. Eccl. Rep.*, 310; *Lockwood vs. Lockwood*, 7 *ib.*, 115.

It is said, then, that though the Court of Chancery in Maryland had not, prior to the act of 1841, jurisdiction in cases of divorce, and though the authority to determine causes for alimony was expressly delegated to this court by the act of 1777, that yet in the exercise of this jurisdiction it must be governed by the principles which regulate the English ecclesiastical courts in passing sentences of divorce; that is to say, that no decree for alimony can be passed by this court, except for causes which in England would entitle the wife to a divorce, *a mensa et thoro*, and as the circumstances of this case would not entitle the present complainant to a decree of separation from her husband, she cannot have alimony or a separate maintenance.

This argument is founded upon the construction placed by